

July 14, 2017

## **SECTION 35 (A) (AMENDMENTS) – REMAINS THE SAME**

### Section 35.

- (A) Any amendments and changes to these Bylaws may be put into effect by the action of the Delegates at a Special Convention of the Council.

### **SECTION 35 (B) (AMENDMENTS) – CHANGE**

(B) A proposed change must be submitted in writing by at least one third of the Local Unions affiliated with the District Council, with the seal affixed provided that the Resolutions Committee consisting of three (3) or more members has reviewed and approved the resolution as to its legality in accordance with the Constitution and Laws of the United Brotherhood and the applicable Collective Bargaining Agreement, and State and Federal laws.

### **SECTION 35 (B) (AMENDMENTS) - REDLINE**

(B) A proposed change must be submitted in writing by at least one third of the Local Unions affiliated with the District Council, with the seal affixed provided that the Resolutions Committee consisting of three (3) or more members has reviewed and approved the resolution as to its legality in accordance with the Constitution and Laws of the United Brotherhood and the applicable Collective Bargaining Agreement, and State and Federal laws. In addition, the District Council's Executive Committee may submit proposed amendments in writing hereunder.

### **SECTION 35 (B) (AMENDMENTS) - UPDATED**

(B) A proposed change must be submitted in writing by at least one third of the Local Unions affiliated with the District Council, with the seal affixed provided that the Resolutions Committee consisting of three (3) or more members has reviewed and approved the resolution as to its legality in accordance with the Constitution and Laws of the United Brotherhood and the applicable Collective Bargaining Agreement, and State and Federal laws. In addition, the District Council's Executive Committee may submit proposed amendments in writing hereunder.

### **SECTION 35 (B) (AMENDMENTS) - RATIONALE**

The proposed revision conforms the Bylaws to the UBC Model Bylaws for councils while recognizing the continued effect of the Consent Decree and oversight by the US Attorney's Office and the Federal District Court. The proposed revision would also permit the Executive committee to propose future amendments. All changes still require Delegate Body approval as per Section 35 (A)

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### **SECTION 35 (C) (AMENDMENTS) – CHANGE**

(C) All changes or proposed changes to the Bylaws or Trade Rules of this Council or any of the Local Unions shall be first referred to the Executive Committee for consideration and recommendation, and then referred to a Bylaws committee for consideration and, if warranted, recommendation to the Delegate Body that a proposed change or changes be adopted. If approved by the Council and in accordance with Section 11B of the Constitution and Laws of the United Brotherhood (the “UBC Constitution”), the proposed change or changes must be submitted to the General Vice President for approval after review of, among other things, whether such change or changes are in conformity with the UBC Constitution, are in the best interests of the District Council, and will further the objectives of the Consent Decree or Stipulation and Order. Notwithstanding the foregoing, nothing herein shall change or limit the authority of the General Vice President pursuant to the UBC Constitution to approve or disapprove changes to these Bylaws. All proposed changes to the Bylaws shall be subject to the approval of the United States Attorney and, during the term of the Review Officer, the Review Officer.

### **SECTION 35 (C) (AMENDMENTS) - REDLINE**

(C) All changes or proposed changes to these Bylaws or Trade Rules of this Council or any of the Local Unions shall be first referred to the Executive Committee for consideration and recommendation, and then referred to a Bylaws committee, for consideration and, if warranted, recommendation to the Delegate Body that a proposed change or changes be adopted. If pending approval by the Delegate Body/Council in accordance with Section 11B of the Constitution and Laws of the United Brotherhood of Carpenters, (the “UBC Constitution”) the proposed changes must be submitted to the First General Vice-President for approval. During the term of the Consent Decree, no amendment to these Bylaws will become effective unless it is first approved by the United States Attorney’s Office. after review of, among other things, whether such change or changes are in conformity with the UBC Constitution, are in the best interests of the District Council, and will further the objectives of the Consent Decree or Stipulation and Order. Notwithstanding the foregoing, nothing herein shall change or limit the authority of the General Vice President pursuant to the UBC Constitution to approve or disapprove changes to these Bylaws. All proposed changes to the Bylaws shall be subject to the approval of the United States Attorney and, during the term of the Review Officer, the Review Officer.

### **SECTION 35 (C) (AMENDMENTS) - UPDATED**

(C) All changes or proposed changes to these Bylaws or Trade Rules of this Council shall be first referred to the Executive Committee for consideration and recommendation, and then referred to a Bylaws committee, pending approval by the Delegate Body in accordance with Section 11B of the Constitution and Laws of the United Brotherhood of Carpenters, the proposed changes must be submitted to the General Vice-President for approval. During the term of the Consent Decree, no amendment to these Bylaws will become effective unless it is first approved by the United States Attorney’s Office.

### **SECTION 35 (C) (AMENDMENTS) - RATIONALE**

The proposed revision conforms the Bylaws to the UBC Model Bylaws for councils while recognizing the continued effect of the Consent Decree and oversight by the US Attorney’s Office and the Federal District Court.

The proposed revision removes the requirement that amendments to Local Union Bylaws be approved by the District Council Executive Committee and Delegate Body. The Executive Committee’s limited role in reviewing proposed amendments to local union bylaws is set forth in amended Bylaw Section 12(I).

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#### **SECTION 36 (SEVERABILITY) – REMAINS THE SAME**

Section 36. If any Section or part of these Bylaws shall be held invalid by operation of law or by any tribunal of competent jurisdiction, the remaining Sections of these Bylaws shall not be affected thereby and shall remain in full force and effect.



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### **SECTION 37 (A) (MISCELLANEOUS) – CHANGE**

(A)The Council Delegate Body, by majority vote of the Delegates present, either in regular or special session, shall have the authority to adopt policies and procedures consistent with these Bylaws to govern the Council and all Local Unions, and to enact all measures, resolutions, trade rules, instruction to members and Local Unions and all other actions that may be necessary to further the objectives and purposes of the Council. Provided further that the foregoing shall be in conformity with the Consent Decree, Stipulation and Order of June 3, 2010, and any other Order entered, in *United States v. District Council*, 90 Civ. 5722 (CSH), and subject to the approval of the United States Attorney and, during the term of the Review Officer, the Review Officer.

### **SECTION 37 (A) (MISCELLANEOUS) - REDLINE**

(A)The Council Delegate Body, by majority vote of the Delegates present, either in regular or special session, shall have the authority to adopt policies and procedures consistent with these Bylaws to govern the Council and all Local Unions, and to enact all measures, resolutions, trade rules, instruction to members and Local Unions and all other actions that may be necessary to further the objectives and purposes of the Council. Provided further that the foregoing shall be in conformity with the Consent Decree, Stipulation and Order of June 3, 2010, and any other Order entered, in *United States v. District Council*, 90 Civ. 5722(CSH), and subject to the approval of the United States Attorney, and, during the term of the Review Officer, the Review Officer.

### **SECTION 37 (A) (MISCELLANEOUS) - UPDATED**

(A)The Council Delegate Body, by majority vote of the Delegates present, either in regular or special session, shall have the authority to adopt policies and procedures consistent with these Bylaws to govern the Council and all Local Unions, and to enact all measures, resolutions, trade rules, instruction to members and Local Unions and all other actions that may be necessary to further the objectives and purposes of the Council. Provided further that the foregoing shall be in conformity with the Consent Decree, and subject to the approval of the United States Attorney.

### **SECTION 37 (A) (MISCELLANEOUS) - RATIONALE**

The proposed revision removes reference to the Review Officer and conforms with other proposed changes reflected in Section 2 (Consistency with Judicial Orders) of these Bylaws.

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### **SECTION 37 (B) – (E) (MISCELLANEOUS) – REMAINS THE SAME**

(B) These Bylaws, Trade Rules and any other rules, resolutions and directives adopted by the Council shall govern and be binding on each Local Union.

(C) Any subject not covered by these Bylaws and Trade Rules shall be governed by the Constitution of the United Brotherhood and nothing in these Bylaws shall in any way be construed to conflict with the Constitution of the United Brotherhood.

(D) The Executive Committee of the Council shall have the authority to call a Special Convention. Written notice describing the purpose of a Special Convention must be given to all Delegates and the principal office of each Local Union at least thirty (30) days prior to such Convention. The delegates of any Special Convention of this Council shall consist exclusively of the Delegates to this Council.

(E) All current Bylaws of Local Unions must be submitted to the Council for approval. All Bylaws of Local Unions that are inconsistent with these Bylaws are superseded.

### **SECTION 38 (HIRING HALL OR REFFERAL SYSTEM) – REMAINS THE SAME**

Section 38. The Executive Committee of the Council shall maintain, and all workers shall be governed by, uniform rules and/or procedures consistent with the Consent Decree, and any other Order entered in *United States v. District Council, et al.*, 90 Civ. 5722, for the registration and/or referral to employment of unemployed workers. Workers shall have the right to seek work and be employed throughout the territorial jurisdiction of the Council. The referral of all workers to jobs shall be performed by the Executive Secretary-Treasurer. Representatives, organizers and agents of the District Council may not otherwise refer members to jobs or in any way inform an employer that a member is available for employment. The Executive Secretary-Treasurer shall maintain records of all worker registration and referrals, which shall be reviewed regularly by the Executive Committee and which may be reviewed by any member upon reasonable request.

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### **SECTION 39 (A) (SHOP STEWARDS) – CHANGE**

(A) All Stewards shall be appointed by the Council Delegate Body or its duly- authorized designee in a fair and equitable manner consistent with job referral rules and the Consent Decree entered in United States v. District Council, et al., 90 Civ. 5722, and any other applicable order issued pursuant to that case.

### **SECTION 39 (A) (SHOP STEWARDS) - REDLINE**

(A) Shop Stewards shall be appointed by the ~~Council Delegate Body or its duly- authorized designee~~ ~~District~~ Council in a fair and equitable manner consistent with job referral rules and the Consent Decree ~~entered in~~ ~~United States v. District Council, et al., 90 Civ. 5722, and any other applicable order issued pursuant thereto.~~

### **SECTION 39 (A) (SHOP STEWARDS) - UPDATED**

(A) Shop Stewards shall be appointed by the District Council in a fair and equitable manner consistent with job referral rules and the Consent Decree.

### **SECTION 39 (A) (SHOP STEWARDS) - RATIONALE**

The proposed revision reflects the changes made in Section 2 (Consistency with Judicial Orders) of these Bylaws.

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### **SECTION 39 (B) (SHOP STEWARDS) – CHANGE**

(B) Stewards shall be members of the District Council in good standing and be appointed according to their skills and position on the out of work list.

### **SECTION 39 (B) (SHOP STEWARDS) - REDLINE**

(B) Shop Stewards shall be members of the District Council in good standing and shall have at least five (5) years continuous journey level experience as a New York City District Council member immediately prior to applying. All Shop Stewards must successfully complete the required Shop Steward certification class. Shop Stewards must also have the required skill sets and certifications established and as from time to time amended by the Executive Committee. The Executive Committee will also have the authority to establish additional requirements for Shop Stewards. Shop Stewards will be appointed according to their skills and position on the out of work list.

### **SECTION 39 (B) (SHOP STEWARDS) - UPDATED**

(B) Shop Stewards shall be members of the District Council in good standing and shall have at least five (5) years continuous journey level experience as a New York City District Council member immediately prior to applying. All Shop Stewards must successfully complete the required Shop Steward certification class. Shop Stewards must also have the required skill sets and certifications established and as from time to time amended by the Executive Committee. The Executive Committee will also have the authority to establish additional requirements for Shop Stewards. Shop Stewards will be appointed according to their skills and position on the out of work list.

### **SECTION 39 (B) (SHOP STEWARDS) - RATIONALE**

The proposed revision consolidates the membership, skill and training requirements for becoming and remaining a District Council Shop Steward. The proposed revision gives the Executive Committee the ability to establish the skill sets and certifications required to become a shop steward and also gives the Executive Committee the ability to revise those requirements as necessary to ensure that Shop Stewards have the appropriate skills to fulfill their duties to the District Council.

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### **SECTION 39 (C) (SHOP STEWARDS) – CHANGE**

(C) The Council may require workers who desire to serve as a Steward to complete the UBC's Comprehensive Steward Training Program; have five (5) years journey level experience in the construction industry; and to provide the Council a declaration of eligibility to serve as a Shop Steward, attesting that they have not been convicted of any crime which would make them ineligible to serve as a Shop Steward under Section 504 of the Labor Management Reporting and Disclosure Act of 1959.

### **SECTION 39 (C) (SHOP STEWARDS) - REDLINE**

(C) ~~The Council may require workers who desire to serve as a Steward to complete the UBC's Comprehensive Steward Training Program; have five (5) years journey level experience in the construction industry, Shop Stewards must complete a declaration of eligibility to serve as a Shop Steward, attesting that they have not been convicted of any crime which would make them ineligible to serve as a Shop Steward as a union representative under Section 504 of the Labor Management Reporting and Disclosure Act of 1959. Shop Stewards must also have on file with the Office of the Inspector General a signed statement acknowledging that they have received, understood and agree to abide by the "Shop Steward Code of Ethics" and a "Notice of Acknowledgement Regarding Background Investigation" authorizing the Office of the Inspector General to conduct a background check. Any Shop Steward not having both acknowledgments on file with the Office of the Inspector General will not be dispatched as Shop Steward and their Shop Steward credentials will be suspended until the documents are properly submitted.~~

### **SECTION 39 (C) (SHOP STEWARDS) - REDLINE**

(C) Shop Stewards must complete a declaration attesting that they have not been convicted of any crime which would make them ineligible to serve as a union representative under Section 504 of the Labor Management Reporting and Disclosure Act of 1959. Shop Stewards must also have on file with the Office of the Inspector General a signed statement acknowledging that they have received, understood and agree to abide by the "Shop Steward Code of Ethics" and a "Notice of Acknowledgement Regarding Background Investigation" authorizing the Office of the Inspector General to conduct a background check. Any Shop Steward not having both acknowledgments on file with the Office of the Inspector General will not be dispatched as Shop Steward and their Shop Steward credentials will be suspended until the documents are properly submitted.

### **SECTION 39 (C) (SHOP STEWARDS) - RATIONALE**

The proposed revisions consolidate into one section the legal and ethical requirements that must be satisfied in order for a member to become and remain a certified shop steward.

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#### **SECTION 39 (D) (SHOP STEWARDS) – REMOVAL**

(D) All Shop Stewards must have on file at the office of the Inspector General, a copy of the "Shop Steward Code of Ethics." Any Shop Steward not having this Code of Ethics on file will not be dispatched as Shop Steward and their Shop Steward credentials will be suspended until the Code of Ethics is on file.

#### **SECTION 39 (D) (SHOP STEWARDS) - REDLINE**

(D) All Shop Stewards must have on file at the office of the Inspector General, a copy of the "Shop Steward Code of Ethics." Any Shop Steward not having this Code of Ethics on file will not be dispatched as Shop Steward and their Shop Steward credentials will be suspended until the Code of Ethics is on file.

#### **SECTION 39 (D) (SHOP STEWARDS) - RATIONALE**

The requirements of this subsection have been consolidated with Section 39(C).

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### **SECTION 39 (E) (SHOP STEWARDS) – REMOVAL**

(E) All Shop Stewards must have on file at the Office of the Inspector General, a copy of the "Notice of Acknowledgement Regarding Background Investigation" authorizing a background check. Any Shop Steward not having such notice will not be dispatched as Shop Steward and their Shop Steward credentials will be suspended until the Notice of Acknowledgement is on file.

### **SECTION 39 (E) (SHOP STEWARDS) - REDLINE**

(E) All Shop Stewards must have on file at the Office of the Inspector General, a copy of the "Notice of Acknowledgement Regarding Background Investigation" authorizing a background check. Any Shop Steward not having such notice will not be dispatched as Shop Steward and their Shop Steward credentials will be suspended until the Notice of Acknowledgement is on file.

### **SECTION 39 (E) (SHOP STEWARDS) – RATIONALE**

The requirements of this subsection have been consolidated with Section 39(C).

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### **SECTION 39 (F) (SHOP STEWARDS) – REMOVAL**

(G) All Stewards must take the District Council eight (8) hour certification class and complete the 2001 Skill Set Training. In addition to the UBC's Comprehensive Steward Training Program and the required working experience provided under this section, the following skill sets shall be required of any worker who desires to serve as a Steward.

### **SECTION 39 (F) (SHOP STEWARDS) - REDLINE**

(G) All Stewards must take the District Council eight (8) hour certification class and complete the 2001 Skill Set Training. In addition to the UBC's Comprehensive Steward Training Program and the required working experience provided under this section, the following skill sets shall be required of any worker who desires to serve as a Steward.

### **SECTION 39 (F) (SHOP STEWARDS) - RATIONALE**

The requirements of this subsection have been consolidated with Section 39(B).

**SECTION 39 (G) (SHOP STEWARDS) – REMOVAL**

<b>Carpenters Local Union 20, 45, 157, 926 and Dockbuilders</b>	<b>Floorcoverers, Timbermen and Shop</b>	<b>Millwright</b>
UBC Comprehensive Steward Training Program	UBC Comprehensive Steward Training Program	UBC Comprehensive Steward Training Program
10 Hour Construction Safety Course (OSHA)	10 Hour Construction Safety Course (OSHA)	10 Hour Construction Safety Course (OSHA)
First Aid Certified	First Aid Certified	First Aid Certified
CPR Certified	CPR Certified	CPR Certified
Sexual Harassment Prevention Course	Hazardous Communications (MSDS)	Sexual Harassment Prevention Course
Hilti/Ram-Set Power Tool Activated Certified	District Council I.D. Process	
Certified of Fitness Bureau of Fire Prevention, NYC	* 30 Hour OSHA training for Floorcoverers	

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**SECTION 39 (G) (SHOP STEWARDS) - REDLINE**

Carpenters Local Union 20, 45, 157, 926 and Dockbuilders	Flooreoverers, Timbermen and Shop	Millwright
UBC Comprehensive Steward Training Program	UBC Comprehensive Steward Training Program	UBC Comprehensive Steward Training Program
10 Hour Construction Safety Course (OSHA)	10 Hour Construction Safety Course (OSHA)	10 Hour Construction Safety Course (OSHA)
First Aid Certified	First Aid Certified	First Aid Certified
CPR Certified	CPR Certified	CPR Certified
Sexual Harassment Prevention Course	Hazardous Communications (MSDS)	Sexual Harassment Prevention Course
Hilti/Ram Set Power Tool Activated Certified	District Council I.D. Process	
Certified of Fitness Bureau of Fire Prevention, NYC	* 30 Hour OSHA training for Flooreoverers	

**SECTION 39 (G) (SHOP STEWARDS) - RATIONALE**

The requirements of this subsection have been consolidated with Section 39(B).

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States

(List the name(s) of the plaintiff(s)/petitioner(s).)

90 Civ. 5722 (W)

- against -

**AFFIRMATION OF SERVICE**

New York District Council

(List the name(s) of the defendant(s)/respondent(s).)

I, (print your name) Patrick Lee, declare under penalty of perjury that I served a copy of the attached (list the names of the documents you served): letter and attachments

upon all other parties in this case by (state how you served the documents, for example, hand delivery, mail, overnight express) Facsimile letter by mail and PDF by email to the following persons (list the names and addresses of the people you served): Benjamin Torrance  
86 Chambers Street NY NY 10007, Glen Mc Gorthy  
590 Madison Ave NY NY 10022 James Murphy  
395 Hudson St NY 10014

on (date you served the document(s)) 9/12/17

Dated

9/12/17

Patrick Lee

Signature

5818 52nd Dr

Address

Maspeth NY

City, State

11378

Zip

918 593 6414

Telephone Number

PatLee@yahoo.com

E-Mail Address

